

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gary K. Michelson, M.D.)
Serial No.: (Cont. 09/941,425)) Group Art Unit: 3732
Filed: December 15, 2003) Examiner: E. Robert
For: BONE HEMI-LUMBAR INTERBODY SPINAL)
FUSION IMPLANT HAVING AN)
ASYMMETRICAL LEADING END AND)
METHOD OF INSTALLATION THEREOF)

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

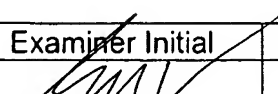
INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the listed documents were previously submitted in a prior application Serial No. 09/941,425, filed August 28, 2001; and/or Serial No. 09/553,000, filed April 19, 2000, now U.S. Patent No. 6,350,283; upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicant brings to the Examiner's attention the following U.S. co-pending application of Applicant; the claims and drawings of which are attached hereto:

NOT FOR PUBLICATION			
Examiner Initial	Application Number	Filing Date	Publication/Patent No.
	09/553,573	19APR00	N/A

Substituted for FORM PTO-1449	Attorney Docket Number 101.0089-02000	Customer No. 22882
INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Applicant Gary K. Michelson, M.D.	Application Number (Cont. of 09/941,425)
(Use several sheets if necessary) Sheet <u>1</u> of <u>4</u>	Filing Date December 15, 2003	Group Art Unit (3732) Examiner (E. Robert)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>EMV</i>	2	6	7	7	3	6	9	05/1954	Knowles			
	3	4	2	6	3	6	4	02/1969	Lumb			
	3	8	4	8	6	0	1	11/19/74	Ma et al.			
	3	8	6	7	7	2	8	02/1975	Stubstad et al.			
	3	8	7	5	5	9	5	04/1975	Froning			
	3	9	0	5	0	4	7	09/1975	Long			
	D	2	4	5	2	5	9	08/1977	Shen			
	4	0	7	0	5	1	4	01/1978	Eatherly			
	4	3	0	9	7	7	7	01/1982	Patil			
	4	3	4	9	9	2	1	09/1982	Kuntz			
	4	5	0	1	2	6	9	02/1985	Bagby			
	R	E	3	1	8	6	5	04/1985	Roux			
	4	5	9	9	0	8	6	07/1986	Doty			
	4	6	3	6	2	1	7	01/1987	Ogilvie et al.			
	4	7	1	4	4	6	9	12/1987	Kenna			
	4	7	4	3	2	5	6	05/1988	Brantigan			
	4	7	5	9	7	6	6	07/1988	Buettner-Janz et al.			
	4	7	5	9	7	6	9	07/1988	Hedman et al.			
	4	8	2	0	3	0	5	04/1989	Harms et al.			
	4	8	3	4	7	5	7	05/1989	Brantigan			
	4	8	6	3	4	7	6	09/1989	Shepperd			
	4	8	6	3	4	7	7	09/1989	Monson			
	4	8	7	7	0	2	0	10/1989	Vich			
	4	8	7	8	9	1	5	11/1989	Brantigan			
	4	9	0	4	2	6	1	02/1990	Dove et al.			
	4	9	1	1	7	1	8	03/1990	Lee et al.			
<i>EMV</i>	4	9	3	6	8	4	8	06/1990	Bagby			

Edw. L. B. 2/5/05

MV	4	9	5	5	9	0	8	09/1990	Frey et al.			
	4	9	6	1	7	4	0	10/1990	Ray et al.			
	5	0	1	5	2	4	7	05/1991	Michelson			
	5	0	1	5	2	5	5	05/1991	Kuslich			
	5	0	2	6	3	7	3	06/1991	Ray et al.			
	5	0	4	7	0	5	5	09/1991	Bao			
	5	0	5	5	1	0	4	10/1991	Ray			
	5	0	5	9	1	9	3	10/1991	Kuslich			
	5	0	6	2	8	4	5	11/1991	Kuslich et al.			
	5	0	7	1	4	3	7	12/1991	Steffee			
	5	1	2	2	1	3	0	06/1992	Keller			
	5	1	2	3	9	2	6	06/1992	Pisharodi			
	5	1	7	1	2	7	8	12/1992	Pisharodi			
	5	1	9	2	3	2	7	03/1993	Brantigan			
	5	2	4	6	4	5	8	09/1993	Graham			
	5	2	5	8	0	3	1	11/1993	Salib et al.			
	5	3	0	6	3	0	9	04/1994	Wagner et al.			
	5	3	7	0	6	9	7	12/1994	Baumgartner			
	5	3	9	7	3	6	4	03/1995	Kozak et al.			
	5	4	2	5	7	7	2	06/1995	Brantigan			
	5	4	4	3	5	1	4	08/1995	Steffee			
	5	4	5	8	6	3	8	10/1995	Kuslich et al.			
	5	4	8	9	3	0	7	02/1996	Kuslich et al.			
	5	4	8	9	3	0	8	02/1996	Kuslich et al.			
	5	5	7	1	1	0	9	11/1996	Bertagnoli			
	5	6	0	9	6	3	5	03/1997	Michelson			
	5	6	0	9	6	3	6	03/1997	Kohrs et al.			
	5	6	4	5	5	9	8	07/1997	Brosnahan, III			
	5	6	5	8	3	3	7	08/1997	Kohrs et al.			
	5	6	8	3	4	6	3	11/1997	Godefroy et al.			
	5	6	6	9	9	0	9	09/1997	Zdeblick et al.			
	5	7	6	6	2	5	2	06/1998	Henry et al.			
	5	7	8	2	9	1	9	07/1998	Zdeblick et al.			
	D	3	9	7	4	3	9	08/1998	Koros et al.			
	5	8	0	0	5	4	7	09/1998	Schäfer et al.			
SMV	5	8	0	0	5	5	0	09/1998	Sertich			

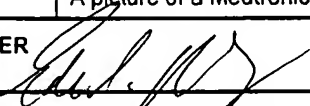
Edith R. 2/5/05 2

5	8	1	4	0	8	4	09/1998	Grivas et al.			
5	8	6	1	0	4	1	01/1999	Tienboon			
6	0	3	3	4	3	8	03/2000	Bianchi et al.			
6	1	4	3	0	3	2	11/2000	Schafer			
6	1	7	9	8	7	5	01/2001	Von Stempel			
6	2	4	5	1	0	8	06/2001	Biscup			
6	2	4	1	7	7	1	06/2001	Gresser			
6	2	4	1	7	7	0	06/2001	Michelson			
6	3	5	0	2	8	3	02/2002	Michelson			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
57	-	2	9	3	4	8	02/17/82	Japan				U.S. Equivalent U.S. 4,349,921
0	0	7	7	1	5	9	04/20/83	Europe				
	2	8	3	0	7	8	05/01/85	Spain				U.S. Equivalent U.S. 4,877,020
0	1	7	9	6	9	5	04/30/86	Europe				Yes
3	5	0	5	5	6	7	05/06/86	Germany				Abstract Only
61	1	2	2	8	5	9	06/10/86	Japan				U.S. Equivalent U.S. 4,759,766
62	1	5	5	8	4	6	07/10/87	Japan				Yes
0	2	6	0	0	4	4	03/16/88	Europe				
0	3	0	7	2	4	1	03/15/89	Europe				
9	2	1	4	4	2	3	09/03/92	WIPO				
9	3	0	1	7	7	1	02/04/93	WIPO				
0	5	7	7	1	7	9	01/05/94	Europe				
0	5	9	9	4	1	9	06/01/94	Europe				
2	7	0	3	5	8	0	10/14/94	France				Abstract Only
2	7	2	4	3	1	2	03/1993	France				
0	6	2	7	2	0	4	12/07/94	Europe				Abstract Only
9	5	0	8	9	6	4	04/06/95	WIPO				
9	6	2	2	7	4	7	08/01/96	WIPO				
0	6	3	7	4	4	0	10/15/97	Europe				U.S. Equivalent U.S. 5,683,463

Edw. R. J. 2/5/05

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Muschler, et al.; The Biology of Spinal Fusion; Spinal Fusion Science and Technique, Cotler and Cotler, pp. 9-13
	Zindrick, et al.; Lumbar Spine Fusion: Different Types and Indications; The Lumbar Spin, Vol. 1, Second Edition, pp. 588-593 (1996)
	Crock, H.V.; Practice of Spinal Surgery; Springer-Verlag/Wien, New York (1983)
	DeBowes, R.M., et al.; Study of Bovine...Steel Baskets; Transactions of the 29th Annual Meeting; Orthopaedic Research Society, Vol. 8, p. 407, March 8-10 (1983)
	Otero-Vich, Jose M.; Anterior Cervical Interbody Fusion with Threaded Cylindrical Bone; J. Neurosurg 63:750-753 (November 1985)
	Butts, M.K., et al.; Biomechanical Analysis of a New Method for Spinal Interbody Fixation; 1987 Symposium, American Society of Mechanical Engineers, "Advances in Bioengineering", Boston, MA (Dec. 13-18, 1987)
	Crawley et al.; A Modified Cloward's Technique for Arthrodesis of the Normal Metacarpophalangeal Joint in the Horse; Veterinary Surgery, Vol. 17, No. 3, pp. 117-127 (1988)
	Bagby, G.W.; Arthrodesis by the Distraction-Compression Method Using a Stainless Steel Implant; Orthopedics, Vol. II, No. 6, pp. 931-34 (June 1987)
	Itoman, M., et al.; Banked Bone grafting for Bone Defect Repair-Clinical Evaluation of Bone Union and Graft Incorporation; J. Jpn. Orthop. Assoc. 62:461-469 (1988)
	Schmitz et al.; Performance of Alloplastic Materials and Design of an Artificial Disc; the Artificial Disc, Brock, Mayer, Weigel; pp. 23-34 (1991)
	Fusion of the Lumbar Spine; Anterior Monosegmental Fusion L5-S1, Atlas of Spinal Operations, Thieme, pp. 270-274 (1993)
	Lumbar Spine Surgery, Techniques & Complications; History of Lumbar Spine Surgery (1994) pp. 11-15; 27; 30; 35-45; 265-268
	European Opposition Document, Nov. 27, 1995 – Opposing EP Patent No. 425 542 B1 to Karlin Technology, Inc.
	Laparoscopic Bone Dowel Surgical Technique; Brochure of Sofamor Danek (1995)
	Laparoscopic Bone Dowel Instruments; Brochure of Sofamor Danek (1995)
	Brochure of University of Florida Tissue Bank; MD-I and MD-II Custom Machine Cortical Dowels; (Circa 1996)
	Brochure of University of Florida Tissue Bank; MD-III Threaded Cortical Dowel; (Circa 1996)
	Glazer, P.A., et al.; Biomechanical Analysis of Multilevel Fixation Methods in the Lumbar Spine; Spine, Vol. 22, No. 2, pp. 171-182 (1997)
	Ray, C.D.; Spinal Interbody Fusions: A Review, Featuring New Generation Techniques; Neurosurgery Quarterly, 7(2):135-156 (1997)
	A picture of a Medtronic, Sofamor Danek Display; titled "Evolving With Your Needs" (4/6/00)
EXAMINER	DATE CONSIDERED
	2/5/05
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	